Simon v. Adzilla, Inc [New Media] et al Doc. 235

Scott R. Mosko (State Bar No. 106070)
scott.mosko@finnegan.com
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
Stanford Research Park
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Attorney for Defendants Pacific Northwest Software, Inc. and Winston Williams

E-FILED 12/13/07

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC., and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU LLC, (now known as CONNECTU INC.) CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA,

Defendants.

CASE NO. C 07-01389 RS

DECLARATION OF SCOTT R. MOSKO IN SUPPORT OF FACEBOOK'S ADMINISTRATIVE REQUEST PURSUANT TO LOCAL CIVIL RULE 79-5(d) TO FILE UNDER SEAL THE REPLY MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF FACEBOOK'S MOTION TO COMPEL PACIFIC NORTHWEST SOFTWARE, INC. AND WINSTON WILLIAMS TO PROVIDE COMPLETE AND SUPPLEMENTAL RESPONSES TO FACEBOOK'S FIRST SET OF INTERROGATORIES NOS. 3 AND 4 AND EXHIBITS I AND K TO THE DECLARATION OF MONTE COOPER SUPPORT OF FACEBOOK'S MOTION TO COMPEL

~~[PROPOSED]~~ ORDER

Date: December 14, 2007
Time: 9:30 a.m.
Dept.: 4
Judge: Hon. Richard Seeborg

Dockets.Justia.com

I, Scott R. Mosko, declare as follows:

I am a partner with the law firm of Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., counsel of record for Defendants Pacific Northwest Software, Inc. and Winston Williams in the above captioned matter. This declaration is based on my personal knowledge and, if called as a witness, could and would competently testify thereto.

1. Papers Submitted for Partial Filing Under Seal

The following document designated by Facebook's Administrative Request Pursuant to Local Civil Rule 79-5(d) to File Under Seal the Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 contains excerpts of a highly confidential document that should be filed under seal:

- Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4. This document contains direct quotes from a document produced by Pacific Northwest Software, Inc. It contains confidential business information of defendant Pacific Northwest Software, Inc., specifically source code, and hence is subject to Local Civil Rule 79-5(c) and (d) and the excerpts should be sealed from public view.

2. Papers Submitted For Filing Under Seal in Their Entireties

The following materials designated by Facebook's Administrative Request Pursuant to Local Civil Rule 79-5(b) & (d) to File Under Seal the Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 and Exhibits I and K to the Declaration of Monte Cooper in Support of Facebook's Motion to Compel are confidential or highly confidential and sealable in their entirety:

- **Exhibit I** to the Declaration of Monte Cooper in Support of Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental

Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 is a copy of excerpts from Winston Williams' June 19, 2007 deposition taken in this matter. The deposition testimony has been marked Highly Confidential by Winston Williams pursuant to the Protective Order entered in this matter. It contains testimony regarding confidential business information of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(c) and (d) and the excerpts should be sealed from public view.

- **Exhibit K** to the Declaration of Monte Cooper in Support of Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4 is a copy of a document produced by Pacific Northwest Software, Inc. (PNS0002119). This document has been marked Highly Confidential by Pacific Northwest Software, Inc. pursuant to the Protective Order entered in this matter. It contains confidential business information, specifically source code, of defendant Pacific Northwest Software, Inc., and hence is subject to Local Civil Rule 79-5(c) and (d) and the should be sealed in its entirety from public view.

I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Executed on November 19, 2007, at Palo Alto, California

/s/ *Scott R. Mosko*
Scott R. Mosko

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~~[PROPOSED]~~ ORDER

Upon good cause shown, **IT IS HEREBY ORDERED** that the following documents shall be received and filed under seal by the Clerk:

1. The highlighted and unredacted version of Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4.

2. Exhibits I and K to the Declaration of Monte Cooper in Support of Facebook's Reply Memorandum of Points and Authorities in Support of Facebook's Motion to Compel Pacific Northwest and Winston Williams to Provide Complete and Supplemental Responses to Facebook's First Set of Interrogatories Nos. 3 and 4.

Dated: December 13, 2007

United States Magistrate Judge